

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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AMANDA BUCHMAN, SPECIAL ADMINISTRATOR  
FOR THE ESTATE OF DYLAN R. BUCHMAN  
834 S. 60th Street  
West Allis, WI 53214

Case No.  
Case Code 30914

Petitioner.

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**PETITION TO PERPETUATE TESTIMONY PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 27**

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Petitioner, Amanda Buchman as Special Administrator for the the Estate of Dylan R. Buchman, pursuant to FRCP 27, petitions the Court as follows:

**BACKGROUND**

1. On January 6, 2020, Dylan R. Buchman was operating a Diedrich D50 drill rig in the course of his employment with Professional Service Industries, Inc, (“Intertek, PSI”), while working in the field in Oostburg, Wisconsin.
2. While operating the drill rig, Dylan became enwrapped in the drill auger, causing severe injuries and requiring transportation to the hospital for medical treatment. Dylan died three days after the incident, in the hospital and at the age of 21, from the injuries he sustained from the Diedrich D50 drill rig.

3. Upon information and belief, Intertek purchased the Diedrich D50 drill rig sometime on or before March 1, 2016. The drill was purchased from a business operating under the name, “Diedrich Drill”.
4. Upon information and belief, ownership of Diedrich Drill changed hands sometime in May of 2016.
5. Petitioner seeks to identify the proper liable parties but lacks information regarding the terms of the sale of Diedrich Drill, applicable insurance coverages and the particulars to be used in determining the proper defendant(s) to sue.
6. Following this incident, Intertek PSI was ordered by the Occupational Safety and Health Administration (OSHA) to abate the hazard which caused Dylan’s death.
7. The mandated abatement measures are directly relevant to the existence and prosecution of product liability claims.

#### PETITION

8. Petitioner expects to be a plaintiff in a product liability action arising from the injury and subsequent death of Dylan R. Buchman in the United States District Court, Eastern District of Wisconsin. There is diversity among the anticipated parties and the amount in controversy is anticipated to exceed jurisdictional requirements. The action cannot be brought currently due to ongoing OSHA abatement measures and for lack of identification of proper parties. The estate is the proper party to bring such an action since the claims of the decedent properly lie with the estate.

9. Petitioner intends to take the depositions of the following individuals, including by use of subpoena *duces tecum*, and regarding the following items and subjects:
- A. Designated representative of Intertek, PSI, whom has the most knowledge and information regarding the acquisition of the subject vehicle upon which Mr. Buchman was injured and subsequently died. Further, the person most knowledgeable regarding the subsequent OSHA investigation and issues of abatement, including but not limited to any communication with drill rig manufacturers. Intertek operates internationally but is headquartered in Illinois, 545 E. Algonquin Road, Arlington Heights , IL 60005 and maintains a local office at 821 Corporate Court, Waukesha WI 53189.
  - B. Designated representative of CK Drill, LLC (dba Diedrich Drill) who has the most knowledge regarding the purchase/sale of Diedrich Drill in 2016, the sale of the particular vehicle upon which Mr. Buchman was injured and subsequently died, identity of insurance carrier at the relevant time period, and the issues of the abatement as requested by OSHA and presented to CK Drill by Intertek. CK Drill maintains an office at 5 Fishcer Street, LaPorte, IN 46350.
10. Petition desires to take this testimony in order to ascertain the proper defendant(s) and essential elements of the claim(s) and for the purposes of judicial economy.

WHEREFORE, the Estate of Dylan R. Buchman petitions the Court for an order authorizing the use of subpoena *duces tecum* in the perpetuation of the depositions of the above referenced entities by their properly appointed designated representative.

Dated: July 8, 2022.

**RON HARMeyer LAW OFFICE LLC**  
Attorneys for Petitioner

*Electronically signed by Nicholas J. DeStefanis*  
By: Nicholas J. DeStefanis  
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